

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

Carey Schweinfurth, et al.

Plaintiff,

v.

Motorola Inc., et al.,

Defendants.

Civil Action No. 1:05CV0024

Judge Christopher A. Boyko

Magistrate Judge Kenneth S. McHargh

**FINDINGS AND ORDER APPOINTING LEAD COUNSEL FOR THE CLASS,
DIRECTING THE ISSUANCE OF A CLASS NOTICE TO THE CLASS AND
SCHEDULING A SETTLEMENT HEARING**

WHEREAS, Motorola, Inc. (“Motorola”) has pending against it in this Court a putative class action as set forth in the Amended Complaint, captioned *Schweinfurth, et al. v. Motorola, Inc.*, No. 05 CIV 00024 (the “Litigation”);

WHEREAS, the Parties¹ and their attorneys have entered into a Settlement Agreement, dated August 5, 2009, in which the Parties have agreed upon a Proposed Settlement of the Litigation, subject to the approval and determination of this Court as to the fairness, reasonableness and adequacy of the Proposed Settlement, which, if approved, will result in dismissal of the Litigation with prejudice and without leave to amend.

NOW, THEREFORE, upon reviewing the Plaintiffs’ Unopposed Motion for Preliminary Approval of the Settlement (Doc. No. 156), the Settlement Agreement,

¹ All capitalized terms herein are defined as they are defined in the Settlement Agreement.

including the exhibits attached thereto (collectively, the “Settlement Agreement”), upon reviewing all prior proceedings herein, and based upon the record and the presentation of counsel at the Preliminary Approval Hearing, and for good cause shown, IT IS HEREBY ORDERED, ADJUDGED AND DECREED as follows:

1. The following attorneys are hereby designated as Lead Counsel for the proposed Class:

David P. Meyer
David P. Meyer & Associates Co., LPA
1320 Dublin Road, Suite 100
Columbus, Ohio 43215

Thomas A. Hargett
Maddox, Hargett & Caruso, PC
10100 Lantern Road, Suite 150
Fishers, Indiana 46038

Scott Starr
Starr, Austen & Miller, LLP
201 South Third Street
Logansport Indiana 46947-3102

2. A Settlement Hearing shall be held on January 25, 2010, at 10:00 a.m., before United States District Judge Christopher Boyko at the Carl B. Stokes United States Courthouse, 801 W. Superior Avenue, Cleveland, Ohio 44113, to finally consider the fairness, reasonableness and adequacy of the Proposed Settlement, and whether it should be approved by the Court pursuant to Federal R. Civ. P. 23, and whether the application of Plaintiffs’ counsel for an award of Attorneys’ Fees and Expenses should be approved.

3. The Class Notice materials and methodology described in Exhibit C attached to the Settlement Agreement are hereby approved.

4. Motorola or its designee(s) shall cause the Class Notice materials to be published in the manner set forth in the Notice Plan contained in Exhibit B attached to the Settlement Agreement, no later than 60 days before the Settlement Hearing.

5. Motorola or its designee shall maintain a website that provides Class Members access to (i) a detailed Notice substantially the same as the detailed Notice for the Website contained in Exhibit C attached to the Settlement Agreement; (ii) the final version of the Settlement Agreement; (iii) the operative Complaint; and (iv) a copy of this Order.

6. Motorola or its designee(s) shall maintain a toll-free telephone number that Class Members may call to obtain information concerning the Settlement.

7. The Class Notice materials (i) are the best practicable notice, (ii) are reasonably calculated, under the circumstances, to apprise Class Members of the pendency of the Litigation and of their right to object to or exclude themselves from the Proposed Settlement, (iii) are reasonable and constitute due, adequate and sufficient notice to all persons entitled to receive notice, and (iv) meet all applicable requirements of Federal R. Civ. P. 23, the Due Process Clause of the Fourteenth Amendment to the United States Constitution and any other applicable rules of Court.

8. Motorola or its designee shall file proof of the publication of the Class Notice materials and website availability of the Detailed Notice and other documents listed above at or before the Settlement Hearing.

9. The Court hereby authorizes Motorola, subject to the terms of the Settlement Agreement, to retain one or more Settlement Administrators to assist with the duties described in the Settlement Agreement.

10. Motorola and Lead Counsel are authorized to establish the means necessary to effectuate and administer the Proposed Settlement.

11. The Court may waive or modify any of the time limits herein for good cause shown.

IT IS SO ORDERED.

S/Christopher A. Boyko

United States District Judge

Dated: October 1, 2009